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Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions

Written statement* submitted by the Young Power in Social Action (YPSA), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Peninsula Principles on Climate Displacement within States*

Climate displacement is one the largest human rights challenges of the modern era. The Intergovernmental Panel on Climate Change (IPCC) and the Stern Review, among many other studies, warn that the effects of climate change – including rising sea levels, heavier floods, more frequent and severe storms, drought and desertification – will cause large-scale population movements, and the massive loss of housing, land and property resources. Climate displacement presents an urgent problem for the international community, and one, which current international norms may not yet adequately address.

The effects of climate change directly interfere with the full enjoyment of human rights and have, in particular, a disproportionate effect on many disadvantaged, marginalized, excluded and vulnerable individuals and groups. Changes in the environment and climate have an impact on human mobility, and are predicted to increase displacement and alter its patterns. As a result of disasters triggered by natural hazards, millions of people are forced to flee their homes every year. In 2013 alone, almost 22 million people were newly displaced by disasters.

Human rights can also be threatened through mitigation and adaptation measures seeking to reduce, control and prevent climate change and its impacts. Where such measures are adopted without the full and effective participation of concerned individuals and communities, they can result in violations of human rights and may lead to the adoption of measures that are unsustainable and do not respond to the needs of rights-holders.

At the end of this year, COP21 in Paris will adopt a new binding climate agreement. Building on the legacy of the Cancun Agreements adopted at COP16, which emphasize that State Parties to the UNFCCC "*should, in all climate change related actions, fully respect human rights*," UN human rights experts are calling upon the Parties to the UNFCCC to ensure that the future agreement expressly recognizes human rights obligations that apply in the context of climate change. They are requesting the incorporation of core and operative language in the new agreement that provides that States Parties "*shall, in all climate change-related actions, respect, protect, promote, and fulfil human rights for all.*"

Against this background, we have the pleasure to present the text of a new and highly innovative international soft law standard articulating the rights of climate displaced persons. The Peninsula Principles on Climate Displacement Within States were approved on 18 August 2013 by a group of eminent jurists, legal scholars, UN officials and climate change experts after a year long process of global consultations, research, expert and public comments and many preliminary drafts.

The process leading to the adoption of the Principles was coordinated by Displacement Solutions which worked with governments, UN agencies, NGOs, civil society and climate-affected people and communities in all regions to find key principles that can guide States and other actors in the search for viable rights-based solutions for the growing level of climate displacement.

The Peninsular Principles are derived from existing standards for the purpose of addressing situations of climate displacement. They bring together the norms that are scattered in different legal fields, including provisions applicable to internally displaced persons, humanitarian law particularly on issues of refugees, human rights law, as well as housing, land and property rights (HLP) protection. The Principles are deeply grounded in existing international public and human rights law. They constitute a restatement of the law, which they seek to tailor to the specific needs of climate displacement, addressing existing gaps and formulating policy and action guidance. Beyond these minimum standards, reflecting well-established good practice to addressing the rights of climate-displaced persons, the Principles formulate concrete policy and management measures in order to respond to situations of climate displacement in a human rights compatible manner.

They are designed to provide guidance to States, displaced communities, International Organizations, non-governmental and community-based organizations and other relevant stakeholders, including business companies in their role as service providers, on how to best address the complex legal, technical and practical issues surrounding climate displacement within States. They can be referred to as a crucial source of international standards supporting the rights of disaster-affected populations to return to and recover housing, land and property rights.

We very much hope that you will be able to review the Principles carefully, support the text and the specific principles it elaborates and build on them when analyzing the issue of climate displacement in your august Committee. This would be an important step to ensure renewed attention and action in support of the very difficult challenges facing individuals, households and communities who are facing climate displacement, as well as the governments throughout the world which are ultimately responsible for facilitating durable solutions for this emerging crisis.

At the forthcoming 29th session in June, the Human Rights Council will adopt its annual resolution on climate change which will be elaborated under the leadership of Bangladesh and the Philippines. We believe that this would be an opportunity for the Advisory Committee to be entrusted with a mandate to study the human rights aspects of addressing climate displacement.

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* Displacement Solution, Applied Research Association on Justice, Peace and Development (ara-jpd), NGOs without consultative status also share the views expressed in this statement